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A P R O F E S S I O N A L C O R P O R A T I O N

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April 16, 2025

Via E-Mail

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Re: *In re Camp Lejeune* – Documents related to Drs. Hennet and Spiliotopoulos

Counsel:

I am writing to follow up on our March 28th meet and confer regarding certain materials related to Drs. Hennet and Spiliotopoulos which were requested via Plaintiffs' Notices of Rule 30(b)(1) Individual Deposition Notice and Requests for Production of Documents to Alex Spiliotopoulos, Ph.D. and Remy Hennet, Ph.D., with accompanying subpoenas with attached Exhibit A which were served on Feb. 12, 2025.

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First, the compensation records that you have produced for both experts are inadequate. These documents were requested via Plaintiffs' subpoena, Exhibit A, Request Nos. 6 & 7. You produced billing records from S. S. Papadopoulos & Associates, Inc. ("SSPA") for services rendered from August 2022 through January 2025 that contain limited information – namely, the number of hours per month billed for general types of employees (as opposed to individuals). See CLJA\_SSPA\_INVOICESP\_0000000001 – 42. For example, these records tell us that the "Employee Type" of "Senior Principal" billed 75 hours and the "Employee Type" of "Senior Scientist/Engineer" billed 20.5 hours in November 2022. Federal Rule of Civil Procedure 26(b)(4)(C) provides that communications that "relate to compensation for the expert's study or testimony" are discoverable. Thus, communications both within SSPA that relate to hours billed (time records), and communications from SSPA to DOJ regarding what work was performed that is reflected on the bills are discoverable. See, e.g., *Noveletsky v. Metropolitan Life Ins. Co.*, No. 2:12-cv-21-NT, 2012 WL 11802597 (D. Me Oct. 19, 2012). Plaintiffs are entitled to billing records that identify the number of hours each testifying expert worked each day and describe the work that was performed, to the extent these records exist. Dr. Spiliotopoulos testified that such records do in fact exist. Spiliotopoulos Deposition at 137-38. Furthermore, the pdf file name of the generic SSPA invoices that were produced is "1817 invoices through 013125 without backup.pdf". Plaintiffs are entitled to the backup. Dr. Hennet testified that this exists. Hennet Deposition at 105. Notably, Plaintiffs have produced such records to DOJ with respect to their experts.

Second, and related to the first issue, you have failed to produce compensation records related to work performed by SSPA for DOJ prior to August 2022 related to Camp Lejeune. These documents were requested via Plaintiffs' subpoena, Exhibit A, Request Nos. 6 & 7. Dr. Hennet testified that he and SSPA have performed such work since at least 2005. Hennet Deposition at 25-26, 93. These bills and time records are discoverable. See, e.g., *Burris v. Ethicon, Inc.*, No. 2:14-CV-24320, 2019 WL 13195497, at \*1 (S.D.W.Va. Nov. 7, 2019) ("an expert's financial gain from testifying in a particular type of case, or on behalf of a specific law firm or party, is relevant to credibility and is appropriate subject matter for impeachment.").

Third, Dr. Spiliotopoulos's notes, memoranda and any related documents regarding his attendance at the 2005 ATSDR Expert Panel meeting are not protected work product and must be produced. See *In re Application of Republic of Ecuador*, 280 FRD 506, 512-15 (N.D. Ca. 2012). These documents were requested via Plaintiffs' subpoena, Exhibit A, Request No. 15. Dr. Spiliotopoulos testified that he attended this meeting as an observer and that he reported back to his SSPA supervisors as to what was said. Spiliotopoulos Deposition at 115; 120-21; 123-25. Dr. Spiliotopoulos had not been retained as an expert at that time, he was not aware of who his client was (if any) when he attended this meeting, and to this day he does not know if he attended that meeting for a reason related to litigation. Spiliotopoulos Deposition at 115; 118-121. In addition, DOJ has not identified the specific litigation matter that Dr. Spiliotopoulos was allegedly working on that provides the claimed work product protection.

Fourth, Dr. Spiliotopoulos's interview notes and summaries should be produced. On page 1 of his report, Dr. Spiliotopoulos states that he reviewed interview summaries as part of his expert work on this case. In deposition, he indicated that these documents were prepared in connection with his visit to Camp Lejeune and interview of employees at the base. Spiliotopoulos Deposition at 110-12; 128. These documents fall within 3(b) of CMO 17 and Plaintiffs are entitled to them. In our prior meet and confer on March 28, we were told that you would search for these documents, but we have heard nothing further from you.

If you do not agree to produce the documents requested herein, we believe these issues should be included in the Joint Status Report due April 21. We are available for an additional meet and confer any time this week, to the extent you believe that many assist in resolving any or all of these issues. Thank you.

Very truly yours,

A handwritten signature in black ink, reading "Laura J. Baughman". The signature is written in a cursive style with a large initial "L" and "B".

Laura J. Baughman